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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

HEATHER GRIFFIN, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

LENDIFY ASSOCIATES LLC, and
DOES 1-10 Inclusive,

Defendant.

Case No.: 8:25-CV-01282

**CLASS ACTION SEEKING
STATEWIDE OR NATIONWIDE
RELIEF**

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF
PURSUANT TO THE
TELEPHONE CONSUMER
PROTECTION ACT, 47 U.S.C. §
227, ET SEQ.

JURY TRIAL DEMANDED

INTRODUCTION

1. HEATHER GRIFFIN (“Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of LENDIFY ASSOCIATES LLC (“Defendant”), in negligently contacting Plaintiff on Plaintiff’s cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, (“TCPA”) and related regulations. Plaintiff alleges as follows upon personal knowledge as to herself and her own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by her attorneys.

2. The TCPA was designed to prevent calls and messages like the ones

1 described within this complaint, and to protect the privacy of citizens like Plaintiff.
2 “Voluminous consumer complaints about abuses of telephone technology – for
3 example, computerized calls dispatched to private homes – prompted Congress to
4 pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

5 3. In enacting the TCPA, Congress intended to give consumers a choice
6 as to how creditors and telemarketers may call them, and made specific findings
7 that “[t]echnologies that might allow consumers to avoid receiving such calls and
8 messages are not universally available, are costly, are unlikely to be enforced, or
9 place an inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11.
10 Toward this end, Congress found that

11
12 [b]anning such automated or prerecorded telephone calls to the
13 home, except when the receiving party consents to receiving the
14 call or when such calls are necessary in an emergency situation
15 affecting the health and safety of the consumer, is the only
16 effective means of protecting telephone consumers from this
nuisance and privacy invasion.

17 *Id.* at § 12; see also *Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL
18 3292838, at* 4 (N.D.Ill. Aug. 10, 2012) (citing Congressional findings on TCPA’s
19 purpose).

20 4. Congress also specifically found that “the evidence presented to the
21 Congress indicates that automated or prerecorded calls are a nuisance and an
22 invasion of privacy, regardless of the type of call...” *Id.* at §§ 12-13. See also,
23 *Mims*, 132 S. Ct. at 744.

24 5. In a recent decision, the Supreme Court interpreted the term
25 “automatic telephone dialing system” and held that “[t]o qualify as an ‘automatic
26 telephone dialing system,’ a device must have the capacity either to store a
27 telephone number using a random or sequential generator *or* to produce a telephone
28 number using a random or sequential number generator.” *Facebook, Inc. v. Duguid*,

1 141 S.Ct. 1163 (2021) (emphasis added).

2 6. In *Duguid*, the Supreme Court provided an example of such systems,
3 stating: “For instance, an autodialer might use a random number generator to
4 determine the order in which to pick phone numbers from a preproduced list. It
5 would then store those numbers to be dialed at a later time.” *Id.* at 1171-72 fn. 7.

6 7. Further, both *Duguid* and the legislative history of the TCPA are clear
7 that the original focus on prerecorded voice technology prohibition was the fact
8 that such communications involved agentless calls, not on the question of whether
9 a literal voice was used during those agentless calls. *See* Hearing Before the
10 Subcommittee on Communications of the Committee on Commerce, Science and
11 Transportation, United States Senate One Hundred Second Congress First Session
12 July 24, 1992, Testimony of Robert Bulmash and Steve Hamm at pg 11; 7 FCC
13 Rcd. 8752 (F.C.C. September 17, 1992).

14 8. The Sixth Circuit has also recognized this distinction: “Congress drew
15 an explicit distinction between ‘automated telephone calls that deliver an artificial
16 or prerecorded voice message’ on the one hand and ‘calls place by ‘live’ persons’
17 on the other.” *Ashland Hosp. Corp. v. Serv. Employees Int’l Union, Dist. 1199*
18 *WV/KY/OH*, 708 F.3d 737,743 (6th Cir. 2013).

19 9. Similarly, the FTC has observed that “prerecorded calls are by their
20 very nature one-sided conversations, and if there is no opportunity for consumers
21 to ask questions, offers may not be sufficiently clear for consumers to make
22 informed choices before pressing a button or saying yes to make a purchase.” 73
23 FR 51164-01, 51167 (Aug. 29, 2008).

24 **JURISDICTION AND VENUE**

25 10. Jurisdiction is proper under 28 U.S.C. § 1331 because this action
26 arises under a federal statute, namely the Telephone Consumer Protection Act, 47
27 U.S.C. § 227, *et seq.*
28

11. Venue is proper in the United States District Court for the Central District of California pursuant to 18 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred within this district.

PARTIES

FACTUAL ALLEGATIONS

15. On or about February 13, 2025, Plaintiff received a call at 9:33 a.m. from telephone number 801-666-4931. The caller identified himself as “Tony Malone” with Lendify Associates. Plaintiff explicitly requested to be placed on Defendant’s internal do-not-call list and further asked how Defendant had obtained her personal information. Instead of honoring her request, the caller abruptly hung up on Plaintiff without providing an answer or escalating the request to a supervisor.

1 8:00 a.m. local time. The prerecorded voice message stated: “\$72,000 with
2 payment starting as low as \$530 a month. To speak with one of our loan officers,
3 please press two. To decline this offer and be added to our do-not-call list, press
4 nine.”

5 17. Plaintiff followed the telephonic prompt and pressed the appropriate
6 key to request placement on Defendant’s do-not-call list. Despite this, Defendant
7 continued placing unsolicited marketing calls to Plaintiff’s cell phone.

8 18. On or about February 14, 2025, Plaintiff also transmitted a formal
9 written demand letter to Defendant, again requesting to be placed on its internal
10 do-not-call list. That request was ignored, and the calls continued.

11 19. Plaintiff’s cellular telephone number ending in -7766 has been
12 continuously registered on the National Do Not Call Registry since at least
13 February 15, 2023.

14 20. Plaintiff estimates that she has received at least five (5) unsolicited
15 calls from Defendant or its agents, including calls made after she requested not to
16 be contacted.

17 21. Defendant’s calls constituted calls that were not for emergency
18 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

19 22. Defendant’s calls were placed to telephone number assigned to a
20 cellular telephone service for which Plaintiff incurs a charge for incoming calls
21 pursuant to 47 U.S.C. § 227(b)(1).

22 23. Such calls constitute solicitation calls pursuant to 47 C.F.R. §
23 64.1200(c)(2) as they were attempts to promote or sell Defendant’s services.

24 24. Plaintiff received numerous solicitation calls from Defendant within a
25 12-month period.

26 25. Plaintiff requested that Defendant stop in response to multiple calls by
27 Defendant thus revoking any prior express consent that had existed and terminating
28

1 any established business relationship that had existed, as defined under 16 C.F.R.
2 310.4(b)(1)(iii)(B).

3 26. Plaintiff's requests that Defendant calling her constitute a request that
4 he be placed on defendant's internal do-not-call list.

5 27. Upon information and belief and based on Plaintiff's experiences of
6 being called by Defendant after requesting they stop calling her, and at all relevant
7 times, Defendant does not maintain a written policy, available upon demand, for
8 maintain a do-not-call list, as required by 47 C.F.R. § 64.1200(d)(1).

9 28. Plaintiff further alleges that Defendant does not train its employees
10 who are engaged in telemarketing in the existence and use of any do-not-call list,
11 as required by 47 C.F.R. § 64.1200(d)(2).

12 29. On information and belief, Defendant failed to place Plaintiff on its
13 internal do-not-call list, despite her request to no longer be called by Defendant.
14 Instead, Defendant continued to call to Plaintiff's cellular telephone, in violation of
15 47 C.F.R. § 64.1200(d)(3).

16 30. These calls by Defendant, or its agents, violated 47 U.S.C. §
17 227(b)(1).

18 **CLASS ACTION ALLEGATIONS**

19 31. Plaintiff brings this action on behalf of herself and on behalf of and all
20 others similarly situated, as a member of the two proposed Classes (hereafter,
21 jointly, "The Classes").

22 32. Plaintiff represents, and is a member of, the National Do-Not-Call
23 Class (hereinafter "National DNC Class") defined as follows: All persons within
24 the United States registered on the National Do-Not-Call Registry for at least 30
25 days, who received more than one call by or on behalf of Defendant that promoted
26 Defendant's products or services within any twelve-month period, within four
27 years prior to the filing of this Complaint through the date of class certification.
28

1 33. Plaintiff represents, and is a member of, the Internal Do-Not-Call
2 Class (hereinafter “Internal DNC Class”) defined as follows: All persons within the
3 United States who requested that Defendant stop calling them, and who, after
4 requesting Defendant stop calling them, received more than one call by or on behalf
5 of Defendant that promoted Defendant’s products or services within any twelve-
6 month period, within four years prior to the filing of this Complaint through the
7 date of class certification.

8 34. Defendant, its employees and agents are excluded from the Classes.
9 Plaintiff does not know the number of members in the Classes, but believes the
10 Class members number in the thousands, if not more. Thus, this matter should be
11 certified as a Class action to assist in the expeditious litigation of this matter.

12 35. This suit seeks only damages and injunctive relief for recovery of
13 economic injury on behalf of the Classes, and it expressly is not intended to request
14 any recovery for personal injury and claims related thereto. Plaintiff reserves the
15 right to expand the Class definitions to seek recovery on behalf of additional
16 persons as warranted as facts are learned in further investigation and discovery.

17 36. The joinder of the Classes’ members is impractical and the disposition
18 of their claims in the Class action will provide substantial benefits both to the
19 parties and to the court. The Classes can be identified through Defendant’s records
20 or Defendant’s agents’ records.

21 37. Plaintiff and members of the National DNC Class were harmed by the
22 acts of Defendant in at least the following ways: Defendant illegally contacted
23 Plaintiff and National DNC Class members via their telephones for solicitation
24 purposes, thereby invading the privacy of said Plaintiff and the National DNC Class
25 members whose telephone numbers were on the National Do-Not-Call Registry.
26 Plaintiff and the National DNC Class members were damaged thereby.

27 38. There is a well-defined community of interest in the questions of law
28 and fact involved affecting the National DNC Class members. The questions of

1 law and fact common to the National DNC Class predominate over questions which
2 may affect individual National DNC Class members, including the following:

- 3 a. Whether, within the four years prior to the filing of this Complaint
4 through the date of class certification, Defendant or their agents placed
5 more than one telemarketing/solicitation calls to National DNC Class
6 members whose telephone numbers were on the National Do-Not-Call
7 Registry;
8 b. Whether Defendant maintains proper procedures and policies on the
9 use of do-not-call lists, as required by 47 C.F.R. § 64.1200;
10 c. Whether Plaintiff and the National DNC Class members were
11 damaged by Defendant's conduct, and the extent of damages for such
12 violations; and
13 d. Whether Defendant and their agents should be enjoined from
14 engaging in such conduct in the future.

15 39. As a person that received solicitation telephone calls from Defendant
16 within a 12-month period, and whose phone number was registered on the National
17 Do-Not-Call Registry, Plaintiff is asserting claims that are typical of the National
18 DNC Class. Plaintiff will fairly and adequately represent and protect the interests
19 of the National DNC Class in that Plaintiff has no interests antagonistic to any
20 member of the National DNC Class.

21 40. Plaintiff and members of the Internal DNC Class were harmed by the
22 acts of Defendant in at least the following ways: Defendant illegally contacted
23 Plaintiff and Internal DNC Class members via their telephones for solicitation
24 purposes, thereby invading the privacy of said Plaintiff and the Internal DNC Class
25 members who had requested that Defendant stop contacting them. Plaintiff and the
26 Internal DNC Class members were damaged thereby.

27 41. There is a well-defined community of interest in the questions of law
28 and fact involved affecting the Internal DNC Class members. The questions of law

1 and fact common to the Internal DNC Class predominate over questions which may
2 affect individual Internal DNC Class members, including the following:

- 3 a) Whether, within the four years prior to the filing of this Complaint
4 through the date of class certification, Defendant or their agents placed
5 more than one telemarketing/solicitation telephone calls to Internal
6 DNC Class members who had previously requested that Defendant
7 stop contacting them;
8 b) Whether Defendant maintains proper procedures and policies on the
9 use of do-not-call lists, as required by 47 C.F.R. § 64.1200;
10 c) Whether Plaintiff and the Internal DNC Class members were damaged
11 by Defendant's conduct, and the extent of damages for such
12 violations; and
13 d) Whether Defendant and their agents should be enjoined from
14 engaging in such conduct in the future.

15 42. As a person that received numerous solicitation telephone calls from
16 Defendant within a 12-month period, and who had previously requested that
17 Defendant stop contacting her, Plaintiff is asserting claims that are typical of the
18 Internal DNC Class. Plaintiff will fairly and adequately represent and protect the
19 interests of the Internal DNC Class in that Plaintiff has no interests antagonistic to
20 any member of the Internal DNC Class.

21 43. Plaintiff and the members of the Classes have suffered irreparable
22 harm as a result of the Defendant's unlawful and wrongful conduct. Absent a class
23 action, the Class members will continue to face the potential for irreparable harm.
24 In addition, these violations of law will be allowed to proceed without remedy and
25 Defendant will likely continue such illegal conduct. Because of the size of the
26 individual member's claims, few, if any, members of the Classes could afford to
27 seek legal redress for the wrongs complained of herein.

28 44. Plaintiff has retained counsel experienced in handling class action
claims and claims involving violations of the Telephone Consumer Protection Act.

45. A class action is a superior method for the fair and efficient
adjudication of this controversy. Class-wide damages are essential to induce
Defendant to comply with federal and California law. The interest of the Class

1 members in individually controlling the prosecution of separate claims against
2 Defendant are small because the maximum statutory damages in an individual
3 action for violation of privacy are minimal. Management of these claims is likely
4 to present significantly fewer difficulties than those presented in many class claims.

5 46. Defendant has acted on grounds generally applicable to the Classes,
6 thereby making appropriate final injunctive relief and corresponding declaratory
7 relief with respect to the Classes as a whole.

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10
11 **FIRST CAUSE OF ACTION**
12 **NEGLIGENT VIOLATIONS OF THE**
13 **TELEPHONE CONSUMER PROTECTION ACT**
14 **47 U.S.C. § 227(c)**

15 **ON BEHALF OF THE NATIONAL DNC AND INTERNAL DNC CLASS**

16 47. Plaintiff incorporates by reference all of the above paragraphs of this
17 Complaint as though fully stated herein.

18 48. The foregoing acts and omissions of Defendant constitute numerous
19 and multiple negligent violations of the TCPA, including but not limited to each
20 and every one of the above-cited provisions of 47 U.S.C. § 227(c), and in particular
21 47 U.S.C. § 227(c)(5).

22 49. As a result of Defendant's negligent violations of 47 U.S.C. § 227(c),
23 Plaintiff and the National DNC Class and the Internal DNC Class members are
24 entitled to an award of \$500.00 in statutory damages, for each and every violation,
25 pursuant to 47 U.S.C. § 227(c)(5)(B).

26 50. Plaintiff and the National DNC Class and the Internal DNC Class
27 members are also entitled to and seek injunctive relief prohibiting such conduct in
28 the future.

SECOND CAUSE OF ACTION
KNOWING AND/OR WILLFUL VIOLATIONS OF THE

**TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227(c)**

ON BEHALF OF THE NATIONAL DNC CLASS AND THE INTERNAL DNC CLASS

51. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

52. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227(c), and in particular 47 U.S.C. § 227(c)(5).

53. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(c), Plaintiff and the National DNC Class and the Internal DNC Class members are entitled to an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5).

54. Plaintiff and the National DNC Class and the Internal DNC Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff, and members of The Classes, the following relief against Defendant:

**FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF
THE TCPA, 47 U.S.C. § 227(c)**

- As a result of Defendant's negligent violations of 47 U.S.C. § 227(c)(5), Plaintiff seeks for herself and each national DNC Class and Internal DNC Class member \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B).
- Pursuant to 47 U.S.C. § 227(c)(5)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

**SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATION OF
THE TCPA, 47 U.S.C. § 227(c)**

- As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(c)(5), Plaintiff seeks for herself and each National DNC Class and Internal DNC Class member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B) and 47 U.S.C. § 227(c)(5)(C).
- Pursuant to 47 U.S.C. § 227(c)(5)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

55. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: June 13th, 2025

Respectfully submitted,

THE LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman
TODD M. FRIEDMAN, ESQ.
ATTORNEY FOR PLAINTIFF